

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

WILLIAM REEVES,	)	CASE NO. 5:16 CV 2909
	)	
Petitioner,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	
	)	<u>MEMORANDUM OF OPINION</u>
BRIGHAM SLOAN,	)	<u>AND ORDER</u>
	)	
Respondent.	)	

On December 2, 2016, petitioner *pro se* William Reeves, an inmate at the Lake Erie Correctional Institution, filed the above-captioned *in forma pauperis* petition for writ of habeas corpus under 28 U.S.C. § 2254. The petition indicates Reeves challenges his convictions, pursuant to a guilty plea, of “drug charges.” For the reasons stated below, the petition is denied and this action is dismissed.

A federal court may entertain a habeas petition filed by a person in state custody only on the ground that he is in custody in violation of the Constitution, laws, or treaties of the United States. 28 U.S.C. § 2254(a). In addition, petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254(b).

As grounds for the petition, Reeves asserts he is being held on an expired sentence. It is apparent of the face of the petition, however, that he has an action pending in the Ohio Court of Appeals raising this issue. Without regard to the potential merits of the ground sought to be raised herein, Reeves has not yet exhausted his state court remedies. The petition is thus premature.

Accordingly, the request to proceed *in forma pauperis* is granted, and this action is dismissed without prejudice pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability. Fed.R.App.P. 22(b); 28 U.S.C. § 2253.

IT IS SO ORDERED.

Date: January 25, 2017

/s/ John R. Adams  
JOHN R. ADAMS  
UNITED STATES DISTRICT JUDGE